

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANIEL J. COREY,

Plaintiff,

v.

SNOHOMISH COUNTY CORRECTIONS, et
al.,

Defendants.

Case No. C14-1275 JCC-BAT

**REPORT AND
RECOMMENDATION**

It has been more than sixty days since the Court's mailings to Plaintiff Daniel J. Corey were returned and the Court does not have a current address for Mr. Corey. Therefore, the undersigned recommends that the Court dismiss this action as Mr. Corey appears to have abandoned his case.

DISCUSSION

On August 19, 2014, Plaintiff Daniel J. Corey filed a proposed 42 U.S.C. § 1983 complaint against Snohomish County Corrections. Dkt. 1. However, Mr. Corey failed to pay the \$400.00 filing fee or submit an application to proceed in forma pauperis (IFP). On August 19, 2014, the Clerk advised Mr. Corey that he must pay the filing fee or submit an IFP application by September 18, 2014. Dkt. 3. On August 21, 2014, Mr. Corey sent a letter to the Clerk regarding a hearing in state court but did not address his filing fee deficiencies. Dkt. 4. On September 22,

2014, the Court ordered Mr. Corey to pay the filing fee of \$400.00 or submit an IFP application by October 3, 2014 and that if he failed to do so, his case would be dismissed. Dkt. 5. The Court's Order of September 22, 2014, which was mailed to Mr. Corey's last known address at the Snohomish County Jail, was returned to the Court, marked "return to sender" "released." Dkt. 6, p. 3. Mr. Corey has not provided his current address to the Court.

Rule 41(b)(2) of the Local Rules provides:

(2) A party proceeding pro se shall keep the court and opposing parties advised as to his or her current mailing address and, if electronically filing or receiving notices electronically, his or her current email address. If mail directed to a pro se plaintiff by the clerk is returned by the Postal Service, or if email is returned by the internet service provider, and if such plaintiff fails to notify the court and opposing parties within 60 days thereafter of his or her current mailing or email address, the court may dismiss the action without prejudice for failure to prosecute.

CR 41(b)(2), Local Rules W.D. Wash.

CONCLUSION

This action has existed more than sixty days without a current address for Mr. Corey. Dismissal without prejudice for failure to prosecute is appropriate. Accordingly, the undersigned recommends **DISMISSAL WITHOUT PREJUDICE** for failure to prosecute pursuant to Local Rule 41(b)(2).

OBJECTIONS AND APPEAL

This Report and Recommendation is not an appealable order. Therefore a notice of appeal seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the assigned District Judge enters a judgment in the case.

Objections, however, may be filed and served upon all parties no later than **Friday, December 19, 2014**. The Clerk should note the matter for **Tuesday, December 23, 2014**, as ready for the District Judge's consideration if no objection is filed. If objections are filed, any

1 response is due within 14 days after being served with the objections. A party filing an objection
2 must note the matter for the Court's consideration 14 days from the date the objection is filed
3 and served. The matter will then be ready for the Court's consideration on the date the response
4 is due. Objections and responses shall not exceed 12 pages. The failure to timely object may
5 affect the right to appeal.

6 DATED this 1st day of December, 2014.

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8 BRIAN A. TSUCHIDA
9 United States Magistrate Judge
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